

Title 129 - Department of Environmental Quality

Chapter 9

Effective Date 12/15/98 (Rev. 12/15/93)

Chapter 9 - GENERAL OPERATING PERMITS FOR CLASS I AND II SOURCES

001 If the Director determines that numerous similar sources are subject to identical regulatory requirements, the Director may issue a general permit following the procedures specified in this Chapter and the applicable procedures of Chapters 13 and 14. The Director shall not issue general permits for affected sources under the acid rain program.

002 If the Director, in his or her discretion, determines a general permit is appropriate, he or she shall initiate issuance of a general permit by publication of a notice which identifies the criteria for sources that qualify for the general permit. The notice shall be published in a newspaper with statewide circulation and shall announce the availability of a draft general permit for public review and comment for 30 days.

003 The public notice of the draft general permit shall contain:

003.01 Name, address, and telephone number of the Department;

003.02 A brief description of the activities and/or operations addressed by the permit;

003.03 A statement of the criteria for sources that qualify for the permit;

003.04 A brief description of the comment procedures and the time and place of any hearing if already scheduled, including the procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final general permit decision; and

003.05 The name, address, and telephone number of the person from whom interested persons may obtain further information, and inspect and copy forms and related documents.

004 Any interested person shall have 30 days from issuance of the public notice within which to provide the Director with any written comments concerning the draft general permit and/or request a public hearing in writing. Such 30 day period may be extended by the Director.

005 If any information or public comment is received during the comment period which appears to raise substantial issues concerning the draft general permit, the Director may formulate a new draft general permit which supersedes the original draft general permit and may, if necessary, republish the public notice.

006 Following the close of the public comment period and any public hearing, the Director shall issue a general permit. The Director shall include in the general permit all requirements applicable to other Class I or Class II operating permits, if the source category includes Class I sources, and all other requirements applicable to Class II permits, if the source category includes Class II sources.

007 Sources that qualify for a general permit must apply to the Department for coverage under the terms of the general permit by submitting an application in accordance with Chapter 7, that includes all information necessary to determine qualification for, and to assure compliance with, the general permit.

008 The Director shall notify a source of the final determination that the source qualifies and is covered under the general permit. If the Director denies coverage of the source under the general permit, the source may request an adjudicative hearing in accordance with the procedures established in Title 115, Rules of Practice and Procedure.

009 The Director may issue a general permit to an individual source without repeating the notice and comment procedures required under sections 001 through 006 of this Chapter. The Department shall maintain a list of all sources covered by general permits, which list shall be available for public review.

010 A source that obtains a general permit shall be subject to enforcement action for operation without a Class I or Class II operating permit if the source is later determined not to qualify for the terms and conditions of the general permit.

011 If some, but not all of a source's operations, activities, and emissions are eligible for coverage under one or more general permits, the source may apply for and receive coverage under one or more general permits for the operations, activities, and emissions that are so eligible. If the source is required under Chapter 5 to obtain a permit addressing the remainder of its operations, activities, and emissions, it may apply for and receive a permit that addresses those items not covered by general permits. In such a case, the permit applicant must identify all operations, activities, and emissions that are subject to general permits. The Class I or Class II operating permit shall identify any general permits which have been issued.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2); 81-1505(12)(16)

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